

1 Honorable Ronald B. Leighton  
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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT SEATTLE**

10 UNITED STATES OF  
11 AMERICA, ex rel. by SHEILA  
REIBER,

12 Plaintiff,

13 vs.

14 BASIC CONTRACTING  
15 SERVICES, INC., a Corporation,  
Defendant.

16 NO. 09-5558 RBL

17 EX PARTE MOTION FOR  
EXTENSION OF TIME FOR  
RELATOR TO SERVE  
DEFENDANT WITH  
UNSEALED COMPLAINT  
AND DECLARATION IN  
SUPPORT

18 NOTE ON MOTION CALENDAR:  
November 29, 2011

19 COMES NOW the Relator, Sheila Reiber, and hereby requests an extension  
20 of the time to serve Defendant with the Complaint. Current counsel seeks an  
21 association or withdrawal from the case, while assisting Ms. Reiber with finding  
22 additional counsel. That effort is progressing. This is a request for an additional  
23 short extension of time to serve the matter so that prospective counsel can obtain  
24 documents and make a final determination regarding his involvement.

25 **FACTS, LAW, and RELIEF REQUESTED**

26 The United States declined to intervene in this False Claims Act lawsuit, and  
27 this Court, by Order dated June 10, 2011, instructed Relator to serve Defendant

28 MOTION FOR EXTENSION OF TIME AND  
DECL. IN SUPPORT  
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Teller & Associates, PLLC  
1139 34<sup>th</sup> Ave, Ste B  
Seattle, WA 98122  
(206) 324-8969 Fax: 860-3172

1 with the Complaint. The undersigned counsel, due to workload issues, will not be  
2 able to litigate the case going forward as sole counsel. Unless Relator timely finds  
3 either substitute counsel or primary counsel, Teller & Associates, PLLC intends to  
4 withdraw, or in the alternative, with Relator's consent allow the case to be  
5 dismissed without prejudice.

6 Relator timely found potential counsel, who chose to delay in reviewing the  
7 matter and then recently declined to proceed. Based on that delay, this Court  
8 granted an extension of time to serve the defendant until December 9, 2011, and  
9 Relator has been diligently searching for new counsel. It is the undersigned  
10 understanding and belief that Relator has made diligent and timely efforts to find  
11 counsel, with moderate but not complete success. A current candidate identified  
12 has asked that the undersigned seek this additional extension.

13 The Relator has spoken with several additional attorneys, and met with  
14 **Keith Scully of Newman Du Wors LLP** on November 15, 2011. Mr. Scully  
15 reviewed the case, and asked Relator for additional information before deciding  
16 whether to represent her.

17 Relator previously submitted a Freedom of Information Act request to the  
18 United States Navy that she believes will provide her with the information  
19 necessary for potential new counsel to evaluate the case. A response was due from  
20 the Navy on November 28, 2011. However, Relator has not yet received any  
21 information.

22 Fed. R. Civ. P. 4(m) allows this Court to continue the deadline for serving  
23 the complaint for good cause. Relator believes an additional sixty days will allow  
24 her to accumulate the information necessary to locate new counsel, and  
25 accordingly moves the court for a second sixty day extension. The undersigned  
26 counsel will not be requesting an additional extension hereafter, but will either find  
27 counsel or withdraw before any subsequent deadline the Court may issue. At this

1 time, however, the undersigned respectfully states that in his understanding and  
2 belief it is reasonably likely that Relator will find alternate or additional counsel,  
3 and respectfully requests this extension be granted.

4 Foregoing facts are sworn to under penalty of perjury by the undersigned  
5 counsel on the below date at Seattle, Washington.

6 DATED this 29th day of November, 2011.  
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8 Teller & Associates, PLLC, by:

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12 Stephen Teller, WSBA #23372  
13 **Teller & Associates, PLLC**  
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